

ORDINANCE NO. 07-62

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A 17-FOOT WIDE EASEMENT TO BELLSOUTH TELECOMMUNICATIONS INC., A GEORGIA CORPORATION, DOING BUSINESS AS AT & T FLORIDA, FOR CONSTRUCTION, REPAIR AND REPLACEMENT OF ITS UNDERGROUND FACILITIES IN ORDER TO SERVE THE CITY OF HIALEAH 300-UNIT ELDERLY HOUSING PROJECT, IN SUBSTANTIALLY THE FORM AS ATTACHED. PROPERTY LOCATED AT THE 300-UNIT ELDERLY HOUSING PROJECT, 1350 WEST 26 PLACE, HIALEAH, FLORIDA. REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of May 23, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida grants a 17-foot wide easement to BellSouth Telecommunications Inc., a Georgia corporation, doing business as AT&T Florida for construction, repair and replacement of its underground facilities in order to serve 300-unit elderly housing project. The property is located at the City of Hialeah 300-unit elderly housing project, 1350 West 26 Place, Hialeah, Miami-Dade County, Florida and the easement is legally described as follows:

A STRIP OF LAND 17.00 FEET WIDE BEING A PORTION OF TRACT 51, LESS THE EAST 800 FEET

AND THAT PART OF TRACT 52 LYING NORTHEASTERLY OF STATE ROAD 25-US 27 (AS RECORDED IN R.O.W. MAP AT PLAT BOOK 72 AT PAGE 86) LESS THE SOUTH 800 FEET OF FLORIDA FRUIT LANDS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF HIALEAH, FLORIDA. SAID STRIP OF LAND BEING 8.50 FEET WIDE ON EACH SIDE OF THE MORE PARTICULARLY DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF THAT PORTION OF TRACT 51 LESS THE EAST 800.00 FEET AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 01° 47' 01" EAST 35.33 FEET, MORE OR LESS, ALONG THE ESAT BOUNDARY LINE OF SAID PORTION OF TRACT 51, TO THE EASTERLY EXTENDED CENTERLINE OF THE PROPOSED ISLAND LYING ON THE WEST SIDE OF THE PROPOSED PARKING LOT OF BUILDING NO. 1; THENCE SOUTH 89° 42' 45" WEST ALONG SAID EXTENDED CETNERLINE TO THE POINT OF BEGINNING OF THE 17.00-FOOT WIDE UTILITY EASEMENT LYING 40.00 FEET FROM THE ESAT MOST CONCRETE BLOCK WALL OF SAID BUILDING NO. 1; THENCE WESTERLY ALONG SAID LINE 35.00 FEET TO THE POINT OF TERMINATION OF SAID UTILITY EASEMENT. THE 8.50 FEET SIDE LINES ON EACH SIDE OF SAID EASEMENT TO BE SHORTENED OR PROLONGED TO MEET WITH PERPENDICULAR END LINES INTERSECTING THE CENTERLINE AT THE POINTS OF BEGINNING AND TERMINATION.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

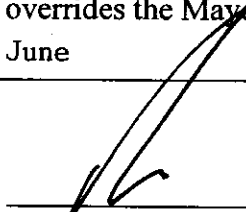
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 26 day of June, 2007.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



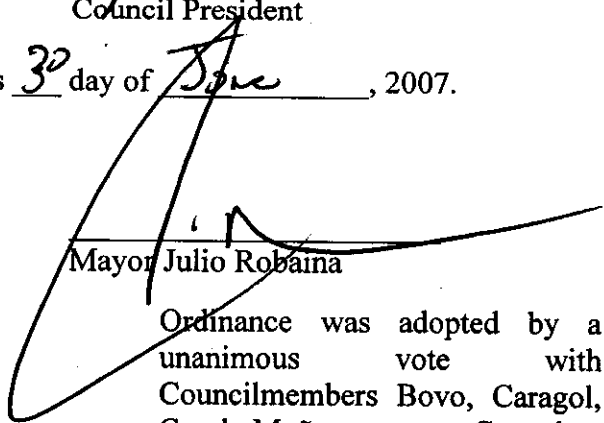
Esteban Bovo
Council President

Attest:

Approved on this 30 day of June, 2007.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

Ordinance was adopted by a
unanimous vote with
Councilmembers Bovo, Caragol,
Casals-Muñoz, Gonzalez,
Hernandez, Miel and Yedra
voting "Yes".

Work Request No. _____
Sec. __, Twp __ S, Rge __ E

EASEMENT

This Instrument Prepared By

Parcel I.D. _____
(Maintained by County Appraiser)
Form 3722 (Stocked) Rev. 7/94

Name: City of Hialeah
Co. Name: Bellsouth Tele-
Communications, Inc.
d/b/a AT&T Florida
1350 W. 26 Pl. pg _____ of _____
Hialeah, FL 33012

CFN 2007R0802764
OR Bk 25854 Pgs 2015 - 2016; (2pgs)
RECORDED 08/14/2007 11:28:44
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Bellsouth, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of _____ underground electric utility facilities (including wires, _____, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width described as follows:

Reserved for Circuit Court

See attached "Exhibit A"

**exclusively for underground utilities;

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes, the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on June 30, 2007

Signed, sealed and delivered in the presence of:

Idya Valdes
(Witness' Signature)

Print Name: Idya Valdes
(Witness)

Sandra Garcia
(Witness' Signature)

Print Name: Sandra Garcia
(Witness)

City of Hialeah
(Corporate Name)

By: Mayor

Print Name: Mayor Julio Robaina

Print Address: 501 Palm Avenue
Hialeah, Florida 33010

Attest: [Signature]
City Clerk

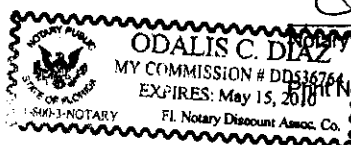
Print Name: Rafael E. Granado

Print Address: 501 Palm Avenue
Hialeah, Florida 33010

(Corporate Seal)

STATE OF Florida AND COUNTY OF Miami Dade The foregoing instrument was acknowledged before me this 5 day of July, 2007 by Mayor Julio Robaina, and Rafael E. Granado respectively the _____ President and _____ Secretary of City of Hialeah, a _____ corporation, on behalf of said corporation, who are personally known to me or have produced _____ as identification, and who did (did not) take an oath. (Type of Identification)

My Commission Expires:



Approved as to form and
legal sufficiency:

William M. Grodnick
William M. Grodnick
City Attorney

[Signature]
Notary Public, Signature

EXHIBIT A

Legal Description of an easement to be granted to Bellsouth at 1350 West 26 Place also known as 300 Units Elderly Housing Project, in the City of Hialeah, Florida.

A strip of land 17.00 feet wide being a portion of Tract 51 less the East 800.00 feet and that part of tract 52 lying Northeasterly of State Road 25 (US 27) R.O.W. Map Plat Book 72, page 86, less the East 800.00 feet of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION" in Section 11 - Township 53 South - Range 40 East, as recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida. Said strip of land being 8.50 feet wide on each side of the more particularly described Centerline.

Commencing at the Northeast corner of that portion of Tract 51 less the East 800.00 feet as recorded in Plat Book 2 at Page 17 of the Public records of Miami-Dade County, Florida; thence South 01-47-01 East 35.33 feet more or less along the East boundary line of said portion of Tract 51, to the easterly extended centerline of the proposed island lying on the west side of the proposed parking lot of building No 1; Thence South 89-42-45 West along said extended centerline to The Point of Beginning of the 17.00 feet wide utility easement lying 40.00 feet from the East most concrete block wall of said Building No.1; thence Westerly along said line 35.00 feet to the Point of Termination of said utility easement. The 8.50 feet side lines on each side of said easement to be shortened or prolonged to meet with perpendicular end lines intersecting the centerline at the points of Beginning and Termination:

SKETCH OF LEGAL

